



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      mndc, mnr, opr, ff

### Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession and a Monetary Order for unpaid rent.

The tenant did not attend the hearing. I accept that the tenant was properly served with the Application for Dispute resolution hearing package in person, and was also served a 10 day Notice to End Tenancy.

### Issues to Be Decided

- Is the Notice to End Tenancy effective to end this tenancy, and entitle the landlord to an Order of Possession?
- Is there rent money due and payable by the tenant?

### Background and Evidence

Rent is due on the 1<sup>st</sup> day of each month in the amount of \$1,000.00. The landlord served the tenant with a 10-Day Notice to End Tenancy on August 27, 2014, after not receiving all the rent for the month of August. The tenant did not pay the rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. There are now three months of rental arrears owing to the landlord. As of August, the tenant also owed \$282.30 towards her portion of the hydro bill. There will be additional bills in the future related to hydro usage in September and October.

### Analysis

In the absence of the required rental payment, or a dispute of the notice within the 5 day period set out in the Notice, the tenant is conclusively presumed to have accepted the end of the tenancy agreement on the effective date of the Notice, by virtue of section 46(5)(a) of the Residential Tenancy Act. As the effective date of the Notice has passed, the landlord has established a right to possession.

The landlord is entitled to recover the rental arrears as claimed in the application of \$3,000.00 for the months of August, September and October. The hydro sum owed of \$283.30 is also awarded. The landlord is also awarded the \$50.00 filing fee. from the tenant. The landlord is at liberty to file a further application for any further sums owing, such as further hydro usage that becomes due.

### Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is entitled to an award of \$3,282.30, representing the claimed rental arrears and hydro, together with recovery of the \$50.00 filing fee.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 30, 2014

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Residential Tenancy Branch

